G. R. S. 58

Previous references.

Cts. 15 of 08 – 142 B July 08

cts 149 (a) – 06 – 142, Files May 07

1907-8

(Courts.)

File No. 202 of 07.

Serial Nos. 1 – 5

Later references.

Cts 5 – 09 – Sls 1–3, 5, 9, 12–15

And Sls 4 – 5(A), 6, 10 & 11

Sls 24 & 28 of Samefile

C/S Cts 14–10. 7–10

C/S 83–12 – (1–3).

C/S 306–12 (1–20) B.

151–14

GENERAL AND REVENUE SECRETARIAT.

C/S 371/214 (1–35)

184–18 (9 & 11)

42–19 (21, 22, 34, 45, 48, 52 & 53)

180–26 (12–14).

Serial Nos. 1 to 5

Part B. for April 09.

SUBJECT.

~~Correspondence about the~~ Appointment of Honorary Magistrates.

Table of Contents

To the Registrar chief court J 2591 & 27–2–08 &
observes that trained and qualified men may be surely found to act as Honorary magistrates and requests the judges of the chief court to reconsider the ~~matter~~ question and favour Govt with their opinion.

2 From the Registrar, chief court No. 6182/331 dt 11–3–08 States that the present judges are of opinion that the system of appointing honorary magistrates or Benche magistrates may be given a trial in places where properly qualified men are available, such as Bangalore, Mysore & perhaps also Kolar Gold Fie

GPB–8,000–7-4-07

3 - From the Registrar of the chief court - No. 1941/67 dt 27-8-08.

Furnishes information regarding the state of the criminal file of the city Magistrate of Bangalore and the cost of establishment that would be required if Benches of Magistrates are appointed

4 - To the Registrar, chief court, Comptroller to Govt Rev. Court, D.G. of Police in Mysore and District Magistrates

Directs that the Scheme of Honorary Bench of Magistrates be tried experimentally in the cities of Bangalore & Mysore and requests the District Magistrates to submit proposals specifying the names of gentlemen who may be appointed Honorary Magistrates, the place where each bench should hold court the minimum establishment if any, required &c.

5 - To the compiler, Mysore Gazette. No 3215 of 19-4-09.

Publishes the rules for the Guidance of Magistrates

1

G.R.S. 11] 1907-08

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 202 of

FILE HEADING.

Appointment of Honorary Magistrates

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

B Rec 24/5

NOTES—First sheet.

GPB—30,000—20-8-08.

SUBJECT No. 13.

Appointment of Honorary Magistrates.

(*a*) Messrs. Y. Rama Rao, Tumkur Municipality; M. Venkatakrishnaiya, Mysore City Municipality, and V. Raghavachar, Nanjangud Taluk,

(*b*) Mr. Amble Annaiya Pandit, Yedatore Taluk.

Summary of discussion.—(*a*) A Bench of Honorary Magistrates may be appointed at each district headquarters and in large towns as represented last year.

(*b*) It is requested that in Mysore and Bangalore Cities, Honorary Magistrates' Courts may be established to try petty cases.

Reply of Government.—Will be considered.

C to file N° 202-07.

Jellis 97.

1 Steps were taken last year to give effect to this representation; but as the proposal was considered by His Highness as unnecessary the question was ordered to be dropped. So no further action seems necessary. May this be deposited.

2 Submitted for orders.

Accs SN 23/12/07 7/12/07

3 Please put up a draft order that the proposal is unnecessary.

27-12-07 MWS

Pb 1/1 24/1 Draft submitted

Accs 31-12-07

5 May the draft issue.

3-1-08 MWS

Accs)

6 Submd to Dewan. In view of his orders dt 7/5/07 may the q[uestion] be dropped for the present.

7518/61-1-08

Accs 24/1/08

7 I think there is no objection to the question being reconsidered. Please work out a scheme & 29/1/1908

MWS 6-1-08

CAB 6/1/08

MWS 6-1-08

2

C5 File No. 202 of 1907-08

Serial No.

Submitted with draft calling for the opinion of the Chief Court for orders.
25.1.08 SN 27-1-08. May the draft issue?
Secy) 27.1.08. WWS
10 Dewan through 1882

5582 28.1.1908
11 Rajt may he ahmed
7956 10/2/08
Dft approved
12 Issue
24.2.

1. To the Regr- C.C.- J 2591 dated 27-2-08. observing that trained and qualified men may be surely found to act as Hony. magts and requesting the Judges of the Chief Court to reconsider ~~their opinions~~ the question and favor Govt with their opinion.

2. From the Registrar, Chief Court, No 6182/331 dt 11-3-08. States that the present Judges are of opinion that the system of appointing Honorary Magistrates or Benches of magts may be given a trial in places where properly qualified men are available such as Bangalore, Mysore perhaps

NOTE—Contn sheet.

GPB—50 000—17-3-07

Serial No.

also in Kolar Goldfields.

B Subd for orders.

DS 13-3-08 SW 13/3/08. H Submitted Secy) 13.3.08 HWS

15 Please put up draft order &c.

CBB 14/3 HWS 14.3.

14.3. Draft submitted

Hes 14.3.08 16 Subd with a draft order containing necessary rules & a draft notification.

SW

16/3/08. 17 Between (1) and (2), another rule, numbered (1)(a) for the present, is suggested. This is taken from the Bengal Rules and may be approved. If it is, it will be given its proper serial number and the numbers of the other rules will be changed. The other rules have been taken from the ~~Civil~~ Bengal Rules and the Rules in force in the Civil and Military Station and have already been approved (vide the linked file) Secy) 22.4.08 HWS

Subd
Delay due to the necessity of work in connection with the Legislative Council

SW 17/4

NOTE—Contn sheet.

GPB—50,00017—3-07

S

Serial No.

18 Submitted to Dewan through I & C. The rules may require some addns & alterations suited to the number of magts appointed in each place, the class of cases made over to the bench for trial &c. These maybe made from time to time

Dec 9/1575

6868/1575-08

9 The Draft may be approved. C/03 11/5

Submitted 29 Nov 16/307

9245/307-08

20 Send to Council 2/12/1908

21 Circulate 4 6/12 C&B 6/12

752/11-6 & 22 The Retired magistrates & judges require some outlet for their energies and the proposed institution of Benches of Honorary Magistrates will provide this to some extent. They would

NOTE—Contn sheet.

GPB—50,000—17-3-07

G.R.S. 13] 9236/7

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

File re appointment Honorary Magistrates.

25 Hon Dewan desires that the points referred to in H. H's order of 7.5.07 may be briefly noted upon:-
(1) as to whether the City Magts. of Bangalore require are overworked; &
(2) about the extn. required

B.O. to be 8.7.07

N.J. 4/7 Please work up this question

26 by 7/7

27 Put up D.O to Regr. Chief Court asking for information as to the state of the file of the City Magistrate, Bangalore the inclusion of Bangalore Taluk this jurisdiction & also about est.t that would be required if a Bench Magistrate are appointed SM 8/7/07

Draft D.O Subt for appl. Issue SM 9/7/07

SN 9/7/07

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

Issued N 9112 9/7/07

MGCPB—50,000—22-9-04

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(~~Continuation Sheet draft form.~~)

Draft DO

Bangalore 9/10 July 1900

No 172

Dear Sir,

I am desired to refer you to your letter No. 6182/331 dated the 11th March 1900, regarding the proposed appointment of Honorary Benches of Magistrates.

Will you kindly ascertain & report for the information of Govt ~~as~~ about the state of the criminal file of the City Magistrate of Bangalore since the investment of the Bench of the Bangalore Taluk of his criminal jurisdiction over the Taluk and also about the probable cost of the Establishment that would be required if Benches of Magistrates are appointed

1.

Bangalore, Mysore and
Kolar Gold Fields?

A very early reply
is requested.

Yours sincerely

To
V. A. Rajanatha Mudr Esqre

Serial No. 3

From The Registrar of the Chief Court of Mysore № 1441/167 d 27.8.08.

Furnishes information regarding the State of the criminal file of the city magistrate of Bangalore. and the cost of the establishment that would be required if Benches of magistrates are appointed.

24 Submitted for orders.

Hcz 28/8/08 SW 28/8

20 With regard to the note of the Ld. Secy. with the Dewan:

State of the file in the City Courts of the City Magistrates of Mysore & Bangalore: In his letter dated the 18th July 08, the Dy. Comr. Mysore District states that the work of the City Magte Mysore has become considerably heavy after the transfer of Mysore Taluq to the Jurisdiction of the City Magte. As regards Bangalore City Magte's Court, the Chief Court furnishes figures to show that the work there also has considerably increased, ~~thereby~~ thereby causing inconvenience to parties Establishment. One Clerk on Rs 20 or 25 and one or two peons seem to

Note:- Contn sheet.

GPB-50,00017—3-07

G. R. S. 12]
General and Revenue Secretariat. | File No. | of 190

Serial No.

be sufficient. In the C+M Stns, half the ~~Charges~~ cost is paid by the Municipality - ~~Govt~~
Under Sec[y] 31 Secr Govt may probably have to bear the whole cost* 28/8/08

*Cost for three cents
3 × (25+8+7) × 12
= 1440 Rs.

Approximate 151908

Cost
28/8/08

32 The cost is small, & if the scheme can, no doubt, be sanctioned, be easily found from savings under Prot. Dept - The Financial Branch may however be consulted as required by the rules.
31-8-08

33 Forwarded to B & II for favour of opinion
A Rangagopalachari
for Secy to Govt -

See Dir ord 1/9

34 Submitted
N 1/9

35 In a case like this financial Considerations are subordinate to the administrative - If the arrangement is expected to work efficiently and is approved of by the administrative department, there is no financial objection to the proposal, the expenditure

NOTE- Contn sheet.

GPB - 50,00017 - 3-07

Serial No.

involved being comparatively small. But considering the relief the arrangement affords to some of the Courts, there must be reduction in the existing expenditure on Courts, corresponding to the new expenditure proposed. There is no case financially for additional expenditure on Courts and the proposal ought not therefore to entail such expenditure on Govt.

But many of them are overworked! Vide the Courts letter of 27-8-08 — 2

(To Branch III) 3/9/08

36 Submitted for orders.

Hez 3.9.08 SN 3/9/08 Secy)

37 Recirculated to Councillors.

4.9.08

38 The proposed Bench of Honorary Magistrates will afford much

GPB—50.000—18-5-08

12

Serial No.

relief to the Overworked City Magistrates. We have plenty of retired Magistrates & Judges who will be glad to render service in an honorary capacity and it is sound policy to make use of them. The public also will be satisfied with this arrangement. The Establishment of one clerk & 2 peons may be sanctioned.

8098
5/9/08

39

I concur. There ought to be no objection to debit the cost of establishment to municipal funds if the realisations from fines on are also credited to municipal funds.

10334
11-9-08

Note- Contn sheet.

GPB - 50,00017--3-07

Submitted to His Highness.

4p 1 When the question of appointing Honorary Magistrates and Benches of Magistrates was considered last year, the then Chief Judge, Mr. L. Moore, was opposed to the scheme as he thought it was not possible "to get any work properly done by untrained men" and His Highness in passing orders on the case was pleased to refer (1) to the experience of the working of benches of magistrates in British India being not satisfactory, (2) to the fact that there was no evidence that the City Magistrate or any other Magistrate in Bangalore required relief and (3) to the fact that the proposed benches would require some establishment which would mean either additional expense or the depletion of some existing and probably over-worked establishment. In these circumstances His Highness was pleased to direct in his order dated 7th May 1907 that the proposal might be dropped. The papers were accordingly filed.

HQ (cts Hdemo 14 9 06)

HQ

41 2 The subject, however, was again brought up at the Representative Assembly of 1907, one of the members requesting that Benches of Honorary Magistrates might be established in Bangalore and Mysore and three other members requesting that such benches might be established at all the District Head-quarters and also in other large towns. The opinion of the Chief Court having been called for in regard to this representation, the Registrar has in his letter dated 11th March 1908 stated that "the present Judges do not share the misgiving expressed in this office letter

A

B

14

No.3096-160 dated the 7th December 1906 and that they are of opinion that the system of appointing Honorary Magistrates may be given a trial in places where properly qualified men are available" and that "the system may be introduced as a tentative measure in Bangalore, Mysore and perhaps also in the Kolar Gold Fields".

42 3 In regard to the question whether any of the stipendiary Magistrates in Bangalore requires relief, the Chief Court reports that the file of the City Magistrate of Bangalore has become very heavy, especially after the Amildar of Bangalore was divested of his magisterial duties. The District Magistrate of Mysore has also made a similar report as regards the work of the City Magistrate of Mysore, and has also proposed that Benches of Magistrates may be appointed in the cities of Mysore and Bangalore. It has also been brought to my notice that a large portion of the increase of the Criminal file of the City Magistrate of Bangalore is on account of the prosecutions now being instituted by the Health Officer for enforcing the Sanitary bye-laws and it is of great importance that such cases should be disposed of promptly. All such cases are, I understand, disposed of by Benches of Honorary Magistrates in the Civil and Military Station of Bangalore as well as in many other large towns in British India.

Paper under disposal

V
(Cls 7+15 of 08)

43 4 Regarding the question of cost, the additional cost involved by appointing a clerk on Rs.20 or 25 and a couple of peons on Rs.7 and 8 at Bangalore, Mysore and the Kolar Gold Fields will not be more than Rs.1,440 a year, which is indeed a very small sum in comparison with the total cost of the administration of Justice, and well worth spending in view of the satisfaction the scheme will give to the

15

public.

44 Both the Councillors are of opinion that the proposed Bench of Magistrates will afford much relief to the over-worked City Magistrates that it is sound policy to make use of the services of retired Magistrates and Judges, that this arrangement will give general satisfaction and that the establishment of one clerk and 2 peons may be sanctioned.

45 I respectfully submit the papers for His Highness' consideration, with a draft order for approval. I may be permitted to remark that we have a large number of retired Judges and Deputy Commissioners and Assistant Commissioners and officers of similar status who have still much work in them and who will be glad to place their services at the disposal of the public. The measure proposed is not in the nature of an innovation but has been adopted and successfully worked all over British India.

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

J 2nd 29

46 The accompanying copy of Govt Procgs. No. R. 5176-215/ Agri 100-08-3 dated the 23rd Jan'09 is referred to Br. III for action being taken on the subject of appointing Hon'ble Magistrates in Bangalore Mysore to dealt with in 7(a) therein.

RR
26.1.09.

27/1/09

BK
27/1/09

Chr/27/1/09

47 Subd for orders: the matter is before the Council

48 Acs SN 28/1/09 - Branch III - 29.1.09 - Please see paras 7 & 8 of the proceedings and put up at once the necessary drafts.

Please pass on the file to Legislative Section of Br. II to take action as per para 9. File to be treated as urgent (Famine matter)
29/1/09

(to be returned to Branch III)

30/1/09

be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—45,000—19-5-08

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Subd

Br I is secondary wire
reg. to the Excise Comp
to prevent liquor referred
referred to in para 9
for comm. to the Rec. Comp
Question on the part
of the 8th section in the
respect seems necessary
Subd
30/1/09. file (as regards Excise secn)

Branch III will please
see my note above.
Please let me know
if any action is proposed
be taken in Branch
I in the matter. Asst

SA
1.2.09.

Ch
Please ascertain from Br I.

SM 1/2/09 Subd It is ascertained that
Branch I has already taken
action with regard to para
7 & 8 of the Govt order except the
Acs question of appointing Hony. Magistra
1/2/09 SM 1/2/09

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Subd I

GPB—45,000—19-5-08

12

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

I believe the file about the Hon'ble Magistrates is pending before the Dewan — If so this may be sent to the Secretary on duty with the Dewan

3.2.09. SM

Rd 3.2.09

Submitted The papers are before His Highness the Maharaja

HR 6.2.09.

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—45,000—19-5-08

19

Submitted to His Highness.

I beg to invite His Highness' attention to para 7(a) of the Notes of the Conference on matters relating to the existing seasonal conditions held on the 18th January 1909, on the subject of appointing retired Government officers as Honorary Magistrates "in places like Bangalore, Mysore and some of the other district head-quarters".

The file on the subject was submitted to His Highness on the 16th September 1908.

10/1909

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

14.2.09
635

Further note on the subject of the appointment of retired Government officers as Honorary magistrates in certain places.

Order.

729
680
13.3.09

I agree to the experiment being tried in the Cities of Mysore and Bangalore in the first instance. The Chief Judge should be consulted as regards the rules and the constitution of the Benches. ~~KRW~~

12/3/09

To Meteer
Bgo 4c
13/3/09
CSR
14/3/09
Secy
15/3/09
Secy to Govt
Secy
Secy to Govt. (As regards subsidy there is a note in the file below which may be referred to this class & with the other papers)
15/3

Serial No.

Submitted with a draft order.

Hcs
16.3.09 — Perhaps the draft order may issue in the first instance and the rules issued separately later on after the opinion of the Chief Ct is obtained. Also the last para of the draft order may be slightly changed.

NDJ
16/3/09. (1) Draft order is put up. which may be approved

(2) After issue of the order the file will be sent to the Chief Judge for Suggestions as ordered by H. H. the Maharaja.

23/3/09.

Secretary

[The draft may be issued after the Chief Judge's opinion as to the rules of the constitution after Benches is received.]

Referred unofficially to the Chief Judge who agrees in favour of opinion.

24-3-09 Secretary to Govt

U.O. 770

Revised draft submitted as directed.

Hcs
23/3/09 —
NDJ
23/3

* Please see flag 'Z' for the rules referred to
NDJ
24/3
Recd 24/3/09

NOTE- Contn sheet.

G. R. S. 12]
General and Revenue Secretariat.

File No. 202 of 1907-08

Serial No.

Note on Draft Rules

Rule 1. No remarks -

Rule 1 a. This rule seems scarcely necessary. It was I believe introduced into Bengal in deference to the remarks of the learned Judges who decided the case of Reg v Bholanath Sen (ILR II Calc 23).

Rule 2 - No remarks -

Rule 3. The rules should I think provide for the appointment of a Chairman - the Bengal rule seems as good as any:-

7 & 8 x

"The Chairman of the Bench for the time being shall be the Magistrate of highest powers present at a sitting - Where two or more are of equal powers the Bench may elect its own Chairman, provided always that it shall be in the discretion of the District Magistrate to appoint the Chairman for each time of sitting, as formerly."

I do not like the last part of this rule. There was formerly a similar rule in Bengal but it was cancelled in consequence of the decision in Hurbans Singh v Khoga Ojha [ILR XX Calc 870]. Cf Gauri Shankar v Bhawani Sahoo [ILR XXIII Calc 194] and QE v Basappa [ILR XVIII Mad 394]. I would delete all words

NOTE- Contn sheet.

GPB - 50,00017 - 3-07

Serial No.

after Gurmukh.

Rule 5. I should feel inclined to delete the words from 'a clause the Bench to 'for the purpose'. Should any Bench ultimately be constituted under section 265 (which is perhaps scarcely probable) the Legislature conferring the powers will define the manner in which the record is to be prepared.

Rule 6. This rule may be framed by us. desirable in ~~X~~ B & N civ. but there can be no question as to its legality and I can suggest nothing better.

Dinshaw
Chief Judge
24/3/09

II
25/3

Please revise the draft rules in accordance with the Chief Judge's suggestions & submit clean copy.

25/3/09

Submitted with the revised draft rules accordingly.

26/3/09

HCS
26.3.09.

26/3/09

26/3/09

Secretary,

Please see the 1st Cl. 26/3/09

10319
29-3-09

1. The draft may be approved.
2. It seems to me that enhanced pay should be made payable 29/3/09.

Additional

NOTE—Contn. sheet.

GPB—50,000—13-5-08

G. R. S. 12]
General and Revenue
Secretariat.

File No. 202 of 1909.

Serial No.	
	additional expenses & Govt on account of the Clerical establishments proposed 3 the place where each Branch of Maps will hold Court should be determined.
	Submitted Please see the addn made by me Para 2 of the Draft. If this addn, para 3 may be omitted. 31/3/09
	Submitted 1.4.09.
	I think this will have to be submitted to the Dewan 1.4.09.
	Secretary) Yes please. 1/4/09
	2/4/09
2/4/09	Subd to Dewan.
2/4/09	Draft approved submitted 2d (as also)
	Submitted to 2nd Council for information. 8/4/09
	Seen 9/4/09

Solomon's Cr Bo. not received back
A.V.
5/5

NOTE—Contn. sheet.

GPB—50,000—13-5 08

G. R. S. 12]
General and Revenue Secretariat.

Cb File No. 202 of 1907-08 — 25

Serial No.	
4	To the Registrar Chief Court " Comptroller to Govt. " Revenue Commissioner " I.G. of Police in Mysore " District magistrates J.S. 20374 & 19.4.09. Directs that the scheme of Honorary Bench of magistrates be tried experimentally in the Cities of Bangalore and Mysore and requests the District magistrates to submit proposals specifying the names of gentlemen who may be appointed Honorary magistrates, the place where each Bench should hold Court the minimum establishment if any required to ~~and~~ & &
5	To the Compiler, Mysore Gazette No. 3215 & 19-4-09. Publishes the Rules for the guidance of magistrates

NOTE—Contn. sheet.

GPB—50,000—13-5 08

1

G.R.S. 26]

File No. 202/07

Serial No. 1

Diary No. of letter replied to

No. T-2591

General and Revenue Secretariat

( )

, the 190 .

To

The Registrar of the
Chief Court of
Mysore.

Date of issue 27-2-08

Signed by Mr K. Mylar Rao

Sir,

In inviting your attention to subject No 13 of the Representative Assembly Proceedings of 1907, and the reply of Govt thereto, about the appointment of honorary magistrates in the State, I am directed to refer ~~you~~ to your letter No 3096/160 dated the 7th December 1906, stating that in the opinion of the then Chief Judge, it would be a grave mistake

over.

SUBJECT.

to appoint either Honorary
magistrates or Benches of
Magistrates as the work
~~cannot~~ cannot be expected to be
got through by untrained
men

(2) I am to observe that
there are Honorary magis-
trates and Benches of
Magistrates in the Corporation Town of Colaba in almost
all the important towns
in the Madras Presidency
~~and it is hoped that the~~
~~system is working well.~~
The Chief Judge's objection
seems to have been based on the supposition
~~assumption~~ that "untrained
men" would be appointed to the benches
~~but on the other hand~~ Govt believe that
a sufficient number of qualified persons such
~~it is the intention of~~
as retired Magistrates ~~Judges~~ Civilians
~~Govt to appoint either~~
retired magistrates or
judicial officers as
~~Honorary Magistrates~~ and

List of enclosures.

Copied by

Examined by

be will be available for
the such honorary service
in Dt Head Qr towns
& places like
the M.C.J.

MGCPB—30,000—16-2-05

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

to try the experiment in the
such important passenger towns, such as
Bangalore, Mysore and
Kolar Gold Fields & Tam.
to request therefore that
you will be so good as
to place the matter before
the Judges for consideration
and favour Govt. with
their further opinion at their
earliest convenience.

Yours
for Secretary

27.1.08

MGCPB—30,000—5-4-05.

4

G.R S. 31]

No. T-2591
Cels 202-07-1

From

The Offg. **Secretary to the Government of His Highnsss the Maharaja of Mysore, Genl. and Rev. Depts.**

To

The Registrar of the Chief Court of Mysore.

Dated Bangalore the 27th February 1908.

Genl. and Rev. Secretariat.

Sir,

In inviting your attention to subject No. 13 of the Representative Assembly Proceedings of 1907 and the reply of Government thereto, about the appointment of Honorary Magistrate in the State, I am directed to refer to your letter No. 3096/160 dated the 7th December 1906, stating that in the opinion of the then Chief Judge, it would be a grave mistake to appoint either Honorary Magistrates or Benches of Magistrates as the work cannot be expected to be got through by untrained men.

2. I am to observe that there are Honorary Magistrates and Benches of Magistrates in the Civil and Military Station, Bangalore and in almost all the important towns in the Madras Presidency. The Chief Judge's objection seems to have been based @ on the supposition that " untrained men " would be appointed to the benches but Government believe that a sufficient number

of

GPB—8,000—14-3-07.

of qualified persons such as retired Magistrates Judges etc will be available for such Honorary service in District Head Quarter towns and places like the Kolar Gold Fields. I am to request therefore that you will be so good as to place the matter before the Judges for consideration and favour Government with their further opinion.

I have the honour to be,

S i r ,

Your most obedient servant,

(sd) K. Mylar Rao

For Secretary to Government.

. S.C.R.

No. 6182/381 III/4/12/3 Ch. 1/B Genl. A.2 J 2362 Ch. 202-07-6/2

Bangalore, dated 11th March 1908.

From

V. A. Rajaratna Mudaliar Esqre,
Registrar, Chief Court of Mysore.

To

C. Balasundaram Iyer Esqre,
Offg. Secretary to Government,
General & Rev. departments.

Sir,

With reference to your letter no. 2591 Ch. 202-07-1 dated 27th February 1908 about the appointment of honorary Magistrates in the State, I am directed to state that the present Judges do not share the misgiving expressed in this office letter no. 3096-160 dated the 7th December 1906, and that they are of opinion that the system of appointing Honorary Magistrates or Benches of Magistrates may be given a trial in places where properly qualified men are available

Flag S.

I am to add that the system may be introduced as a tentative measure in Bangalore, Mysore and perhaps

I

also in Kolar Gold Fields.

I have the honor to be,

Sir,

Your most obedient Servant,

[redacted]

For Registrar.

CS

Chief Court of Mysore,
Bangalore dated, 27th August 1908.

From,

V.A.Rajaratna Mudaliar Esq.,
Registrar, Chief Court of Mysore.

To,

K.S.Chandrasekhara Aiyar Esq.,
Secretary to Government,
General and Revenue Departments.

Sir,

Adverting to your D.O.letter No.112 dated the 9th ultimo, I am directed to state that the District Magistrate of Bangalore represents that the file of the City Magistrate of Bangalore is very heavy. The number of cases filed since 1903-04 is as under

	Regular.	Miscellaneous.
1903-04	703	330.
1904-05	831	307.
1905-06	836	333.
1906-07	825	278.
1907-08	1061	435.

The number of the Bangalore Taluk cases that were added to the City Magistrate's file by reason of the divestment of the Amildar of the Bangalore Taluk of his Criminal jurisdiction over the Taluk was 166, of which 105 were regular and 61 miscellaneous. The District Magistrate adds that a number of cases relating to offences under the City Municipal Regulation 1906, mostly cases of nuisances, which require prompt disposal, had to be delayed for a longer period than desirable. The increased file of the City Magistrate has also necessitated the granting of frequent adjournments causing inconvenience to parties and witnesses.

The District Magistrate of C & M Station, Bangalore, who was consulted in the matter of the cost of the Bench of Magistrates' Court in that Station states that the scale of establishment is a clerk on Rs.25/- per mensem and two peons at Rs.7 each

each and that half of the above cost, together with the carriage allowance of Rs.25/- per mensem allowed to the Chairman of the Bench is paid by the Station Municipality, the other half being met from the revenues of the Assigned Tract.

I have the honour to be,

Sir,

Your most obedient servant;

REGISTRAR.

B.V.

8

10

G.R.S. 28]

Revised draft

Cs File No. 202-05

Serial No. 4

Diary No. of letter replied to _____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.

( )

, the 190

Date of issue _____

Signed by _____

READ.—

Subjects Nos 13 and 14 of the Proceedings of the Representative Assemblies of 1907 and of 1908 respectively urging the appointment of Benches of Honorary Magistrates and the replies of Govt thereto

ORDER THEREON.—No.

2. Letter No 6182-331 dated the 11th March 1908 from the Registrar of the Chief Court of Mysore

over

SUBJECT

Copied 16/4.

MGCPB—20,000—24-2-05

11

stating in reply to this Office letter No J 2591 - Cts 202-07-1 dated the 27th February 1908 that the system may be introduced as a tentative measure in the Bangalore and Mysore Cities, and perhaps also in the Kolar Gold fields

3. Letter No 1421/67 dated the 27th August 1908 from the same Officer, submitting further information with regard to the above question

4. Para 7(a) of the Notes of a Conference on the matters relating to the existing season conditions, printed with Govt order No R 5176-215- Agri 100-08-3 dated the 28th January 1909, recommending (among other things) the appointment of Honorary Magistrates in places like, Bangalore, Mysore, &c.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

9

J 3203-14

A 20107-6

Order thereon 2:-

12

29/4/05

The members of the Representative Assembly ~~in Mysore~~ have represented from time to time the desirability of having Benches of Honorary Magistrates for the disposal of petty Criminal work in the cities of Bangalore and Mysore and in the head Quarters of ~~the~~ Districts. The Chief Court to whom the Suggestion was referred for opinion, recommend that the System may be introduced as a tentative measure in the cities of Bangalore and Mysore.

2. Govt observe that the institution of Honorary magistrates is no new one It is in existence in the larger towns of British India and also in the Civil and Military Station of Bangalore. The measure if adopted is likely to give relief to ~~the~~

MGCPB—30,000—5-4-05.

13

Judicial Officers like the City Magistrates of Mysore and Bangalore, the more especially as the files of the Mysore Courts are said to have become very heavy after the Amildars of those talooks were diverted of Magisterial powers. The Scheme commends itself to the Govt as one worthy of adoption and they are therefore pleased to direct that it may be tried as an experimental measure in the Cities of Bangalore and Mysore where there are a large number of retired Judges Officers and other judicial officers and other qualified Gentlemen of Status who will be disposed to place their services at the disposal of the State.

The D.C. Magistrate concerned is requested to submit the necessary proposals to Govt at an early date, showing specifying the names of the gentlemen who may be appointed Honorary Magistrates, the places where Each Bench may be held, the Court Establishment if any required, etc.

3 Govt are also pleased to Sanction an establishment Consisting of a Clerk on Rs 25 and a Couple of peons one on Rs 7 and one on Rs 8. per mensem, to each of the

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

Benches at Bangalore and Mysore

3rd. The following rules will be laid down for the guidance of Benches of Magistrates

Rules

(Here enter the rules.)

Secretary.

To

The Registrar of the Chief Court of Mysore

" Comptroller to Govt

" Revenue Commissioner in Mysore

" J. G. of Police

" District magistrates of Districts.

Copy to Branch II for Confirmation

Copy to Branch I for information.

Dft

HCJ

23/3/09

MGCPB—30,000—5-1-05.

Notice Received at

Office No 202-07

Notification. Ser No 415

Rules

J 3215

3/9/4/07

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation Sheet draft form.)

Dr. 746
21.4.07
Immediate
B.G. 22/4/07
Sent to Press 26/4.
Read 26/4

The Government of His Highness the Maharaja of Mysore are pleased to lay down the following Rules for the guidance of Benches of Magistrates in the State, Constituted under Section 15 of the Code of Criminal Procedure, Regulation No 11 of 1904:—

1. The Bench shall try such cases or classes of cases as the District Magistrate may, by Special or general order, from time to time, direct.

2. The District Magistrate shall fix the place and the dates and hours at which the Bench shall sit.

Provided that the Bench may hold one or more adjourned sittings, if this be found necessary for the disposal of business or of part-heard cases.

MGCPB—30,000—5-4-05.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

3. The Chairman of the Bench for the time being shall be the Magistrate of highest powers present at a Sitting. Where two or more are of equal powers, the Bench may elect its own Chairman, provided always that it shall be in the discretion of the District Magistrate to appoint the Chairman for each time of Sitting, or generally.

The Chairman with one other member shall form a quorum.

4. It shall be the duty of the Chairman to maintain order, conduct the proceedings of the Court, and exercise all the functions in that behalf usually exercised by a Magistrate when Sitting alone. It shall be open to any member of the Bench to put any questions to parties or witnesses, either direct or through the Chairman, as the latter may deem

MGCPB—30,000—5-4-05.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

advisable and to suggest any matter for the Chairman's Consideration

5. In the trial of ordinary Cases, the Chairman shall generally record the evidence and judgment; but such duty may, with his Consent, be performed by any one of his Colleagues.

In the trial of Summary Cases where the Bench has been invested with summary powers, the necessary record shall be prepared by the Chairman or one of his Colleagues, but in every case the record must be signed by each Member of the Bench who is present

6. Each Member of the Bench shall have a voice in deciding as to the admissibility of evidence and in the finding and Sentence. Differences of opinion shall be settled by the Votes of the majority of the Magistrates

MGCPB—30,000—5-4-05.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

present, the Chairman having the casting vote

By order,

W. Gold
Secretary to
Govt

To

The Compiler, Kyone Gazette, for publication with a Burmese translation, & for supply of 300 copies of this issue

Dft
HG
26/3/09

Proceedings of the Government of His Highness the Maharaja of Mysore.

READ—

1. Subjects Nos. 13 and 414 of the Proceedings of the Representative Assemblies of 1907 and of 1908, respectively, urging the appointment of Benches of Honorary Magistrates and the replies of Government thereto.

2. Letter No. 6182-331, dated the 11th March 1908, from the Registrar of the Chief Court of Mysore, stating in reply to this office letter No. J. 2591—Cts. 202-07-1, dated the 27th February 1908, that the system may be introduced as a tentative measure in the Bangalore and Mysore Cities, and perhaps also in the Kolar Gold Fields.

3. Letter No. 1441-67, dated the 27th August 1908, from the same officer, submitting further information with regard to the above question.

4. Para 7 (*a*) of the notes of a conference on matters relating to the existing season conditions, printed with Government Order No. R. 5176-215—Agri. 100-08-3, dated the 23rd January 1909, recommending (among other things) the appointment of Honorary Magistrates in places like Bangalore, Mysore, etc.

No. J. 3203-14—Cts. 202-07-4, dated Bangalore, 19th April 1909.

Order thereon.—The members of the Representative Assembly have represented from time to time the desirability of having Benches of Honorary Magistrates for the disposal of petty criminal work in the Cities of Bangalore and Mysore and in the head-quarters of the other districts. The Chief Court, to whom the suggestion was referred for opinion, recommend that the system may be introduced as a tentative measure in the Cities of Bangalore and Mysore.

2. Government observe that the institution of Honorary Magistrates is no new one. It is in existence in the larger towns of British India and also in the Civil and Military Station of Bangalore. The measure, if adopted, is likely to give relief to Judicial officers like the City Magistrates of Mysore and Bangalore, the more especially as the files of these officers are stated to have become very heavy after the Amildars of those taluks were divested of Magisterial powers. The scheme commends itself to Government as one worthy of adoption and they are therefore pleased to direct that it be tried as an experimental measure in the Cities of Bangalore and Mysore, where there are a large number of retired officers and other qualified gentlemen, who will be disposed to place their honorary services at the disposal of the State. The District Magistrates concerned are requested to submit the necessary proposals to Government at an early date, specifying the names of the gentlemen who may be appointed Honorary Magistrates, the places where each Bench should hold court, the minimum establishment, if any, required, etc.

3. The following rules will be laid down for the guidance of Benches of Magistrates:—

(1) The Bench shall try such cases or classes of cases as the District Magistrate may, by special or general order, from time to time, direct.

(2) The District Magistrate shall fix the place and the dates and hours at which the Bench shall sit.

Provided that the Bench may hold one or more adjourned sittings, if this is found necessary for the disposal of business or of part-heard cases.

(3) The Chairman of the Bench for the time being shall be the Magistrate of highest powers present at a sitting. Where two or more are of equal powers, the Bench may elect its own Chairman, provided always that it shall be in the discretion of the District Magistrate to appoint the Chairman for each time of sitting or generally.

The Chairman with one other member shall form a quorum.

(4) It shall be the duty of the Chairman to maintain order, conduct the proceedings of the Court, and exercise all the functions in that behalf usually exercised by a Magistrate when sitting alone. It shall be open to any member of the Bench to put any questions to parties or witnesses, either direct or through the Chairman, as the latter may deem advisable, and to suggest any matter for the Chairman's consideration.

Judicial and Legislative (Courts), dated 19th April 1909.

(5) In the trial of the ordinary cases, the Chairman shall generally record the idence and judgment; but such duty may, with his consent, be performed by any e of his colleagues.

In the trial of summary cases where the Bench has been invested with summary wers, the necessary record shall be prepared by the Chairman or one of his colgues; but in every case, the record must be signed by each member of the Bench o is present.

(6) Each member of the Bench shall have a voice in deciding as to the missibility of evidence and in the finding and sentence. Differences of opinion ll be settled by the votes of the majority of the Magistrates present, the Chairman ving the casting vote.

K. S. CHANDRASEKHARA AIYAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Registrar of the Chief Court of Mysore.
The Comptroller, Mysore Government.
The Revenue Commissioner in Mysore.
The Inspector-General of Police in Mysore.
The District Magistrates of Districts.

l.—c. v.

1908-09

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

JUDICIAL AND LEGISLATIVE
(COURTS)

PROCEEDINGS

Dated 19th April 1909

No. J. 3203-14
Cts. 202-07-4

Jr. 767
29.4.09
30/4/09

Directing the institution of Benches of Honorary Magistrates as an experimental measure in the Cities of Bangalore and Mysore and laying down rules for the guidance of such Benches of Magistrates.

GPB—17-4-09—175

Rund Cutl

Proceedings of the Govt. of H.H. the Maharaja of Mysore.

R e a d:-

A Subject No.13 of the Representative Assembly Proceedings of 1907 regarding the appointment of Benches of Hony. Magistrates and the reply of Govt. thereto.

B 2. Letter No. 6182/331 dated the 11th March 1908, from the Registrar of the Chief Court of Mysore, stating in reply to this Office docket No. J 2591/ Cts. 202-07-1 dated 27th February 1908, that the system may be introduced as a tentative measure in Bangalore, Mysore and also in the Kolar Gold Fields.*

perhaps

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Order thereon:-No.

Dated Bangalore, April 1908.

The suggestion of the Representative Members appears to Govt. to be one worthy of adoption. The Chief Court who were consulted recommend that the system may

be introduced ~~as a~~ tentative ~~measure~~ in the cities of Bangalore and Mysore and perhaps also in the Kolar Gold Fields. Govt. agree in the opinion of the Chief Court and are accordingly pleased to direct that the scheme be tried ~~as an experiment al measure~~ at Bangalore, Mysore and the Kolar Gold Fields. ~~only~~ retired officers who have been Magistrates or Judicial officers while in service ~~will be appointed as Honorary Magistrates~~.

It is their intention however, for the present, ~~to select to be appointed as magistrates and to constitute~~ the Benches ~~from among~~ ~~suspected~~ ~~persons~~ that a majority of ~~by selecting as~~ members ~~20 persons~~ maybe of these

2. The following rules will be laid down for the guidance of Benches of Magistrates.

R U L E S.

The Govt. of H.H.the Maharaja of Mysore are pleased to lay down the following rules for the guidance of ~~the~~ Benches of Magistrates in the State, constituted under Section 15 of the Criminal Pro. Code, Regn. II of 1904}-

Bengal. N.W.P. & Punjab Rules (Flags X & W)

1. The Bench shall try such cases or classes of cases as the District Magte

may, by special or general order, from time to time, direct.

1(a) Cases which are likely to be of a protracted character should not ordinarily be made over to Benches

All the Provinces + Flags X+W

Cm Station ✓ H.O.

2. The Dist. Magte shall fix the place and the dates and hours at which the Bench shall sit.

Provided that the Bench may hold one or more adjourned sittings, if this be found necessary for the disposal of business or of part-heard cases.

✓ Bengal + United Provinces } Flags X+W.

3. The Chairman with one other member shall form a quorum. If any case is adjourned and if any member present at the adjourned Session was not present at the first or a former hearing of the case, the provisions of Section 350 of the Crim. Pro. Code will be held to apply to the case.

United Pro: + Flag W

Cm Station Bangalore Flag O.

✓ Cm Station H.O.

Bengal + Flag X

United Pro H.W

4. It shall be the duty of the Chairman to maintain order, conduct the proceedings of the Court, and exercise all the functions in that behalf usually exercised

25

by a Magistrate when sitting alone. It shall be open to any member of the Bench to put any questions to parties or witnesses either direct or through the Chairman, as the latter may deem @@@@@@@ advisable, and to suggest any matter for the Chairman's consideration.

C Ministation, Bombay 210.

5. In the trial of ordinary cases, the Chairman shall generally record the evidence and judgment, but such duty may, with his consent, be performed by any one of his colleagues.

In the trial of summary cases where the Bench has been invested with summary powers, the necessary record shall be prepared by the Chairman or one of his colleagues, ~~or where the Bench has been empowered under Section 265 Crim. Pro. Code, by means of any clerk of the permanent establishment deputed by the Dist. Magistrate for the purpose,~~ but in every case, the record must be signed by each Member of the Bench who is present.

26

Constn. 7(2).
United Pr. 7(2) W
Bengal 7(2) X

6. Each Member of the Bench shall have a voice in deciding as to the admissibility of evidence and in the finding and sentence. Differences of opinion shall be settled by the votes of the majority of the Magistrates present, the Chairman having the casting vote.

11/6/08

CSB 11/5/08

Offg. Secretary to Govt.

To

The Registrar of the Chief Court.

" District Magistrates.

" I.G. of Police in Mysore.

" Rev Comr in Mysore.

K.R.

17.6.08
To fr Con statn Rules,
Please see, Hays Orty. As
fr rules of other Provinces, plea—
refer to Schedule 1 Proc. Code —
Page 12 et seq
SW Hay X+W.